

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Sheik D. Smith-El,

Plaintiff,

Case No. 24-11370

v.

Judith E. Levy

United States District Judge

State of Michigan, *et al.*,

Mag. Judge Anthony P. Patti

Defendants.

_____/

ORDER TO SUPPLEMENT THE RECORD [2]

Pro se Plaintiff Sheik D. Smith-El filed the complaint in this matter on May 23, 2024. (ECF No. 1.) Plaintiff also filed a “Motion to Suspend or Waive[] Fees and Costs.” (ECF No. 2.) The Motion states that Plaintiff is “employed, yet has no unencumbered sources” that would allow him to pay court costs. (ECF No. 2, PageID.15.) The Motion does not provide Plaintiff’s income or other financial information.

Under 28 U.S.C. § 1914(a), plaintiffs in any civil action must pay a filing fee. If plaintiffs are unable to pay the filing fee, they must document their financial need by completing and submitting an “Application to Proceed in District Court Without Prepaying Fees or Costs”

(“Application”) to the Court.¹ *See* 28 U.S.C. § 1915(a)(1). This is also referred to as proceeding “*in forma pauperis*.” An individual need not be “absolutely destitute to enjoy the benefits” of proceeding *in forma pauperis*. *Adkins v. E.I. DuPont de Nemours, Inc.*, 335 U.S. 331, 339 (1948). “In determining [*in forma pauperis*] eligibility, courts will generally look to whether the persons are employed, the person’s annual salary, and any other property or assets the person may possess.” *Cognetto v. Comm’r of Soc. Sec.*, 2014 WL 358465, at *1 (E.D. Mich. Jan. 31, 2014) (internal quotation marks omitted). “Inadequate completion of an application to proceed *in forma pauperis* has been found to be grounds for denial of that application in the Eastern District of Michigan.” *Brown v. Berryhill*, No. 17-11577, 2017 WL 2471279, at *2 (E.D. Mich. June 8, 2017).

As of the date of this order, Plaintiff has not paid the filing fee or filed a completed application to proceed *in forma pauperis*. Accordingly, Plaintiff must file an Application with completed information by **March 4, 2025**.

¹ The form can be downloaded at https://www.mied.uscourts.gov/PDFFiles/Application_IFP_Fillable.pdf.

IT IS SO ORDERED.

Dated: February 4, 2025
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 4, 2025.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager